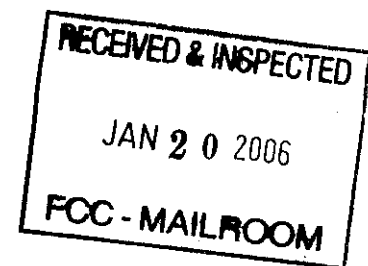


DOCKET FILE COPY ORIGINAL

**Request for Review
CC Docket No. 02-6
Letter of Appeal of the SLD Decision
Submitted by USPS
January 18, 2006**



**Request for Review
Federal Communications Commission
Office of the Secretary
445 - 12th Street, SW
Washington, DC 20554**

Contact Information for the Denied Appeal of 471 Application # 484568 by the SLD on November 23, 2005:

Contact Name: Dr. Jim Earle
Address: 1509 N. Daytona Ave
Flagler Beach, FL 32136
Phone Number: 314-267-0623
Fax Number: 386-439-2624
eMail Address: jearle@cfl.rr.com

District Information and FRN's in the Appeal:

**Wellston School District
Billed Entity # 136913
471 Application # 484568
FRN's
1343943; 1344111; 1344269; 1344339;
1344403; 1344435; 1344480; 1345361
& 1345434**

**Page 1
January 18, 2006**

No. of Copies rec'd 0
List ABCDE

Reason for Request for Review of the SLD Decision on November 23, 2005 of the Appeal on Application Number 484568

The Administrator's Decision on Appeal – Funding Year 2005-2006 in reference to 471 Application #484568 is being appealed to the FCC for a Request for Review.

The decision by the SLD of the USAC on November 23, 2005, stated (see attachment A)

“Upon thorough review of the appeal letter, Block 1 of the Form 471 and the relevant documentation, the SLD has determined that the authorized contact person on Erate application 484568 was Mr. Stan Boyd at the time of the PIA review. On September 29th and 30th, 2005, Mr. Boyd sent an email to PIA requesting to cancel application 484568 and all FRNs related to Wellston School District. You have failed to provide evidence on appeal that the SLD erred in its original decision. Consequently, the appeal is denied.”

The original documentation for the basis of the appeal was as follows:

“The basis for this appeal is very straight forward. Stan Boyd, the original contact person, for the District, was released from his position. It is believed (not confirmed), without your phone records, that he canceled all related FRNs. The basis for this appeal is that a terminated employee without authorization was allowed to cancel the FRN requests. In addition, to Mr. Boyd's termination, the Superintendent of Schools, Dr. Ronald Stodghill, was replaced and removed from his position. The District is in financial straits and the Erate funding is greatly needed.

In a phone conversation with Lacie, at the Help Line number, I requested information in relation to the cancellation of the above FRNs. She was unable to gain access to my request for records of the conversation that was held with the

applicant also could not tell if there was 471 documentation filed with the application. Please reference Case # 21-330759.

Dr. Jim Earle, eRate Consultant; Mr. Jamal Williams and Dr. Charles Brown are the individuals authorized to work on the Erate funding program (See Attachment B). Dr. Charles Brown is the Authorized Representative; Dr. Jim Earle is the Contact Person along with Mr. Jamal Williams.

All necessary information for verification of the 471 requests will be provided, when requested, if currently not on file with the SLD. A review of the records, in the District, showed that most records for this application have been removed from the District by Mr. Boyd."

The basis of the Request for Review of the appeal decision by the SLD is that, according to their knowledge at the time of the original decision, Mr. Boyd was the contact person but failed to weigh the factor that he was terminated (See Attachment C). One can only assume, that in an act of revenge, Mr. Boyd cancelled the district requests for services. He was allowed to do this without the authorized representative's signature. The contact person in most cases can provide data and requests to the SLD but the final authorization rests with the Authorized Representative, not the Contact Person. In the decision letter, dated November 23rd, there was no indication the Authorized Representative, Dr. Charles Brown, who was the Acting Superintendent/CEO appointed by the State of Missouri Department of Education (See Attachment D), ever approved the action taken by Mr. Boyd after his termination.

New Information relevant to the appeal of the SLD decision of denial of the 471 and all associated FRNs:

- Attachment "C" shows the date and time of Mr. Boyd's termination, 12 Noon on September 29th
- Attachment "D" shows the State of Missouri placing Dr. Charles Brown as Superintendent/CEO of the District.
- Attachment "E" Copies of the eMails from Mr. Boyd cancelling the 471 and associated FRN's
 - Dated September 29th at 5:35 pm - this was 5 hours and 35 minutes after his removal from his position in the Wellston School District
 - Dated September 30th at 2:31 am - this was 14 hours and 31 minutes after the termination of Mr. Boyd.

Clearly, the decision by the SLD should be reversed based upon current knowledge. The individual allowed to cancel the 471 and associated FRNs was not employed by the Wellston School District and acted out of revenge. The documentation provided in this document clearly supports this case.

The intent of the Erate program is to provide phone and internet access to all school districts. It is with that intent in mind that we are requesting the decision made on application 484568 be reversed and that the Wellston School District's application be allowed to go through the regular review process and provide the appropriate documentation, on each of the cancelled FRN's associated with that application.

Your immediate attention to this appeal, would be greatly appreciated.

Sincerely,



Dr. Jim Earle
Erate Consultant

Wellston School District



Dr. Charles Brown
Superintendent/CEO

January 18 Page 4
~~November 8, 2005~~



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2005-2006

November 23, 2005

Dr. Jim Earle
Wellston School District
1509 North Daytona Avenue
Flagler Beach, FL 32136

Re: Applicant Name: WELLSTON SCHOOL DISTRICT
Billed Entity Number: 136913
Form 471 Application Number: 484568
Funding Request Number(s): 1343943, 1344111, 1344269, 1344339, 1344403,
1344435, 1344480, 1345361, 1345434
Your Correspondence Dated: November 08, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1343943, 1344111, 1344269, 1344339, 1344403,
1344435, 1344480, 1345361, 1345434

Decision on Appeal: Denied

Explanation:

- In your appeal letter, you state that Stan Boyd, the original contact person for the District, was released from his position. You state that a terminated employee without authorization was allowed to cancel the FRN requests. In addition to Mr. Boyd, Technology Director, the Superintendent of Schools Dr. Ronald Stodghill was replaced and removed from his position. You close by adding that the District is in financial straits and the Erate funding is greatly needed. You are seeking reversal of the cancellations made by Mr. Boyd.
- Upon thorough review of the appeal letter, Block 1 of the Form 471 and the relevant documentation, the SLD has determined that the authorized contact

person on Board application 484568 was Mr. Stan Boyd at the time of the PIA review. On September 27th and 29th, 2003, Mr. Boyd sent an email to PIA requesting to cancel application 484568 and all FRNs related to Wellston School District. You have failed to provide evidence on appeal that the SLD erred in its original decision. Consequently, the appeal is denied.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

cc: Dr. Charles Brown

ATTACHMENT "B" 1 page

Wellston Public Schools

6574 ST. LOUIS AVE. ♦ ST. LOUIS, MISSOURI 63121

MEMORANDUM

October 31, 2005

To: Kristi

Fr: Jamal Williams – Interim Director of Technology
Wellston School District

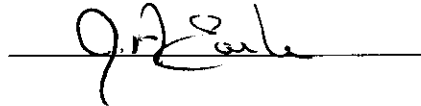
Re: Contact Information

The following information list the contact persons for the Wellston School District.

Jamal Williams
Interim Director of Technology
Phone – 314-290-7940
Cell - 314-575-1401



Dr. Jim Earle
Consultant



Dr. Charles R. Brown, Superintendent/CEO is the authorized district representative.

We are requesting that you forward a copy of the funding commitment letter for 2005 (484568).

Please note that Stan Boyd is no longer employed by the Wellston School District. This was effective September 29, 2005.

Any correspondence that may have been received from Mr. Boyd on or after this date were not authorized by the district representative.

PHONE 314-290-7900 ♦ FAX 314-290-7905

Wellston Public Schools do not discriminate on the basis of race, color, national origin, sex, age, religion or disability in programs, activities or employment. Inquiries regarding compliance may be directed to the superintendent.

Dr. Charles Brown,
CEO/Superintendent

Ms. Joyce Roberts
Chief Academic/
Operation Officer

ATTACHMENT "C" 1 page

Wellston Public Schools

6574 ST. LOUIS AVE. ♦ ST. LOUIS, MISSOURI 63121

CEO/Superintendent

Dr. Charles Brown,

**Chief Academic/
Operation Officer**

Ms. Joyce Roberts

Business Manager

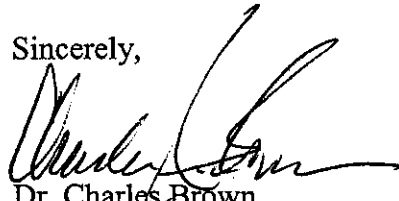
Ms. Delfaye Jason

December 15, 2005

Dear E-Rate Administrator:

This letter is to confirm that Dr. Charles Brown, CEO/Superintendent, of Wellston School District is and has been the point of contract for Wellston School District E-Rate program since September 29, 2005 at 12:00PM CST. The former point of contract, Mr. Stan Boyd, was notified of his termination with Wellston School District on Thursday September 29, 2005 at 12:00PM. If you have any questions please contact me at 314.290.7920.

Sincerely,



Dr. Charles Brown
Superintendent

Enclosure

PHONE 314-290-7900 ♦ FAX 314-290-7905

Wellston Public Schools does not discriminate on the basis of race, color, national origin, sex, age, religion or disability in programs, activities or employment. Inquiries regarding compliance may be directed to the

Attachment "D" 2 pages

Resolution for the Appointment
of a
Special Administrative Board

WHEREAS, Article IX, Section 1(a) of the Constitution of the State of Missouri requires that a free public school system provide for the gratuitous instruction of all persons in this state under the age of twenty-one years; and

WHEREAS, Article IX Section 2(a) vests the supervision of instruction in the public schools in the State Board of Education; and

WHEREAS, Missouri Law, Section 162.081 (RSMo 2000), provides that the corporate organization of any school district that remains classified unaccredited for two successive school years by the State Board of Education shall lapse; and

WHEREAS, the State Board of Education on April 16, 2003, classified the Wellston School District as unaccredited, to become effective June 30, 2003; and with the lapse of the Wellston School District statutorily mandated to occur on June 30, 2005, unless the school district is returned to accredited status in the intervening time period; and

WHEREAS, the State Board of Education on June 23, 2005, reviewed the Wellston School District's accreditation status and voted to continue the classification of the Wellston School District as unaccredited, with the effective date of lapse to occur on June 30, 2005;

NOW, THEREFORE, we, the members of the State Board of Education, by virtue of the powers vested in this Board by the Constitution and Laws of the State of Missouri, do hereby create and establish the Special Administrative Board for the Wellston School District, and do hereby direct as follows:

- 1) That, pursuant to Section 162.081, Dr. Charles Brown is appointed to serve at the pleasure of the State Board of Education as the Chair of the Special Administrative Board created hereby, with compensation and other benefits to be set by the Commissioner of Education.
- 2) That, pursuant to Section 162.081, Garry Beals of Wellston, Missouri, is appointed to serve without compensation at the pleasure of the State Board of Education as a member of the Special Administrative Board.
- 3) That, pursuant to Section 162.081, Cassandra Hollins-Wallace of Wellston, Missouri, is appointed to serve without compensation at the pleasure of the State Board of Education as a member of the Special Administrative Board.
- 4) That, pursuant to Section 162.081, the Special Administrative Board is authorized to retain and exercise all authority granted to the Wellston Board of Education, and to take actions necessary for the operation of the Wellston School District. Such actions include, but are not limited to, the following:

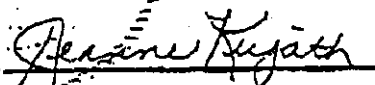
- a) Hold title on behalf of the State of Missouri to all school facilities and school property previously held in any capacity by the Wellston School District or the Board of Education of the Wellston School District, and operate such facilities and property for school purposes.
 - b) Adopt all needed rules and regulations for the organization and governance of the school district, with such rules taking effect when signed by at least two of the three members of the Special Administrative Board, and with said rules to be amended or repealed in like manner.
 - c) Prepare an annual calendar for the school term, specifying the opening date and providing a minimum term of at least one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance.
 - d) Enter into contracts for teachers and other instructional personnel as provided by law for seven-director districts.
 - e) Enter into contracts for goods and services as provided by law for seven-director districts.
 - f) Submit quarterly reports to the State Board of Education, in a form specified by the Commissioner of Education.
 - g) Carry out the duties and authority of the board of education of a seven-director district, as provided by law, unless otherwise directed by the State Board of Education.
- 5) The authority of the Special Administrative Board shall expire on June 30, 2008, unless extended by the State Board of Education prior to that date.

IN WITNESS HEREOF, I have set my hand and caused to be affixed the Seal of the State Board of Education, in the City of Jefferson, on this 29th day of June, 2005.



Thomas R. Davis, President
State Board of Education

ATTEST:



Jeanne Kujath, Executive
Secretary, State Board of Education

Robert Spiller

From: Stan Boyd [sboyd@wellston.k12.mo.us]
Sent: Thursday, September 29, 2005 5:35 PM
To: Hung, Esther
Subject: RE: E-RATE: (EH) App #484568 - 2nd Notice - Item 21 - Pre-K - FCC Registration Number

Please cancel all FRN's related to Wellston School District for this year.

Stan Boyd
Director of Technology

From: Hung, Esther [mailto:EHUNG@sl.universalservice.org]
Sent: Thursday, September 29, 2005 1:55 PM
To: sboyd@wellston.k12.mo.us
Cc: millerrj@more.net
Subject: E-RATE: (EH) App #484568 - 2nd Notice - Item 21 - Pre-K - FCC Registration Number

To: Stan Boyd,

Please see the attached letter in regards to your E-RATE funding requests. Your attention in this matter would be appreciated. A copy of this correspondence is being forwarded to your State E-Rate Coordinator for informational purposes only.
Thank you.

Sincerely,
Esther Hung
Schools & Libraries Division
Program Integrity Assurance
Phone: 973-560-4471
Fax: 973-599-6523
E-mail: ehung@sl.universalservice.org

1/13/2006

Robert Spiller

From: Stan Boyd [sboyd@wellston.k12.mo.us]
Sent: Friday, September 30, 2005 2:31 AM
To: Hung, Esther
Subject: Cancel Form 471 application #484568

Please cancel my application Form 471 application #484568. I will not submit the item 21 you requested.

Thank you,
Stan Boyd

1/13/2006